UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 APR 14 AM 11:31
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA,	)	Magistrate Docket No. 08 MJ 1142
Plaintiff,	)	
	)	COMPLAINT FOR VIOLATION OF:
v.	)	
	)	Title 8, U.S.C., Section 1326
Mario GOMEZ-Martin,	)	Deported Alien Found in the
	)	United States
	)	
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **April 11, 2008** within the Southern District of California, defendant, **Mario GOMEZ-Martin,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF **APRIL 2008.**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Mario GOMEZ-Martin

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On April 11, 2008, Border Patrol Agent J. Sanchez was assigned to line watch duties near Campo, California. At approximately 6:30 a.m., Agent Sanchez responded to a report of multiple subjects crossing Highway 94 approximately one-quarter of a mile west of the Rope Road. This area is approximately nine miles east of the Tecate, California Port of Entry and approximately ¾ of a mile north of the United States/Mexico International Border. Upon arrival to an area known as "Star Ranch", Agent Sanchez observed several individuals walking north toward his direction. The individuals spotted Agent Sanchez' Agency vehicle and began to run. Agent Sanchez exited his vehicle and began walking towards the area where he last observed the individuals. While searching the area, Agent Sanchez found some foot sign and began to follow it. Agent Sanchez followed the foot sign approximately half a mile and encountered seven individuals concealed in some brush approximately 200 yards west of the Railroad Museum in Campo California. Agent Sanchez approached the seven individuals and identified himself as a United States Border Patrol Agent and questioned each individual regarding their citizenship and nationality. Each individual, including one later identified as the defendant **Mario GOMEZ-Martin**, responded "Mexico". Agent Sanchez then questioned the individuals regarding any immigration documents allowing them to enter into or remain in the United States legally. Each individual, including the defendant, responded "No." At approximately 6:45 a.m., Agent Sanchez placed the individuals, including the defendant, under arrest and had them transported to the Tecate Processing Center for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 29, 2007** through **El Paso, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.

Executed on April 12, 2008 at 10:00 a.m.

Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **April 11, 2008,** in violation of Title **8**, United States Code, Section **1326**.

Barbara L. Major
United States Magistrate Judge

4/12/08 at 11:48 am